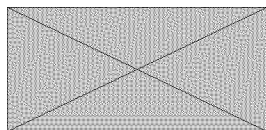


To: Wells, Suzanne[Wells.Suzanne@epa.gov]
From: Environmental Law360
Sent: Wed 8/12/2015 8:04:16 AM
Subject: Texas May Struggle To Meet Power Demand Under EPA Regs



ENVIRONMENTAL

Wednesday, August 12, 2015

TOP NEWS

LAW
FIRMS

17 States Object To EPA's Order For New Power Plant Rules

Akin
Gump

Florida Attorney General Pam Bondi and 16 other attorneys general filed suit in the D.C. Circuit Tuesday claiming a recent U.S. Environmental Protection Agency final rule requiring them to revise their individual plans for regulating carbon emissions during the startup, shutdown or malfunction of power plants exceeds the agency's authority.

Baker
Botts

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9th Circ. OKs Shell's Arctic Drilling Despite Walrus Concerns

Berkowitz
Oliver

The Ninth Circuit on Monday denied several environmental groups' request for an injunction stopping Royal Dutch Shell PLC from drilling for oil in the Arctic, despite arguments that it will hurt the population of federally protected walrus.

Blank
Rome

13 States Press Judge To Delay EPA's Water Jurisdiction Rule

Bonnett
Fairbour

North Dakota and 12 other states on Monday asked a federal judge to issue a preliminary injunction that would prevent the U.S. Environmental Protection Agency from implementing its controversial rule that clarifies federal jurisdiction under the Clean Water Act.

Bracewe
&
Giuliani

9th Circ. Quizzes Oil Cos. On Objections To Polar Bear Habitat

Bryan
Cave

A Ninth Circuit panel of three judges on Tuesday challenged an attorney for the Alaska Oil and Gas Association and the American Petroleum Institute, pressing him on why the companies contest the designation of critical polar bear habitat by the U.S. Fish and Wildlife Service as too large an area.

Buchalte
Nemer

EPA Committed To Gold King Mine Cleanup, McCarthy Says

Cleary
Gottlieb

U.S. Environmental Protection Agency Administrator Gina McCarthy said Tuesday that her agency is taking full responsibility to clean up toxic wastewater leaked following an Aug. 5 dam breach at an EPA-monitored Colorado mine, which could potentially contaminate the water supply in several states and on two Native American reservations.

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ANALYSIS

Davis
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Texas May Struggle To Meet Power Demand Under EPA Regs

LAW
FIRMS

A triple-digit Texas heat wave this week pushed demand for power to record-setting new figures, highlighting the difficulty regulators face in ensuring the state will be able to provide reliable electricity as mandates in the federal Clean Power Plan are likely to force the retirement of Texas coal plants, lawyers say.

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POLICY & REGULATION

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EPA Will Issue Revised Mercury Rule By April 2016

Berkowitz
Oliver

The U.S. Environmental Protection Agency on Monday said that it will reissue its rule limiting mercury and other toxic emissions from power plants nixed by the Supreme Court by April 2016, complete with a cost-benefit analysis that the high court said the agency had to perform.

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Rome

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LITIGATION

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Giuliani

3rd Circ. Tosses Banana Workers' Pesticide Claims

The Third Circuit ruled Tuesday that a Delaware federal judge didn't abuse his discretion by dismissing consolidated class actions filed by Central American farm workers claiming Dole Food Co. Inc. and others exposed them to carcinogenic pesticides that left them infertile, finding that the workers had engaged in blatant forum shopping.

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States Say EPA Bypassed Them In SO2 Standards Deal

North Dakota and six other states on Monday told the Ninth Circuit that their interests were not protected when a California federal judge approved a deal extending deadlines by which the U.S. Environmental Protection Agency must identify sulfur dioxide pollution violations.

Cleary
Gottlieb

Cooley
LLP

Tuna Fishing Cos. Still On The Hook For \$1.5M Violation

A D.C. federal court ruled Monday that six tuna fishing boat operators can't wriggle out of \$1.5 million in federal fines for tuna fishing methods banned by federal statutes and for illegally ensnaring whales, sinking the boat operators' arguments that the statutes are vague.

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Water Co. Fights Class Cert. In W.Va. Chemical Spill Suit

American Water Works Co. Inc. on Monday urged a federal judge to deny class certification in a lawsuit over its alleged role in a 2014 chemical spill that contaminated drinking water across nine West Virginia counties.

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Feds, Texas Sue Koch Pipeline Co. Over 1998 Oil Spill

The federal government and the state of Texas on Tuesday lodged a suit against Koch Pipeline Company LP over the 1998 release of crude oil from a receiving station into a local

Earthjus
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creek, allegedly causing widespread damage.

LAW
FIRMS

Plastics Maker Polluted San Francisco Bay, Enviros Say

Plastics maker TE Connectivity Ltd. violated the Clean Water Act by dumping pollutants into stormwater drains that ultimately discharge into San Francisco Bay, an environmental group alleged in a lawsuit filed in California federal court on Tuesday.

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Botts

Syngenta Says Generalities Can't Save Corn MDL

Syngenta Corp. on Monday continued its fight to toss multidistrict litigation alleging it tainted the U.S. corn supply with genetically modified seed, telling a Kansas federal court that the plaintiffs' arguments mostly consist of diversions that avoid addressing established case law.

BakerHo

Berkowitz
Oliver

Blank
Rome

EPA Asks 10th Circ. To Respect Reservation Boundary Ruling

The U.S. Environmental Protection again urged the Tenth Circuit to deny the state of Wyoming's challenge to its boundary determination for a Native American reservation for the purposes of the Clean Air Act, telling the court Monday that Congress never intended to reduce the size of the reservation.

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Arco Defends Fight Against NM Pueblo In Uranium Cleanup

Atlantic Richfield Co. asked a New Mexico federal judge Tuesday to keep alive its effort to avoid paying for the cleanup of a uranium mining site on Pueblo of Laguna land, arguing that the pollution is the pueblo's problem now.

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Cave

Buchalte
Nemer

CIT Delays Yingli Solar Panel Anti-Dumping Duties Amid Suit

A U.S. Court of International Trade judge has delayed implementing anti-dumping duties issued to a Chinese solar panel producer following an administrative review for 2012-2013, the same day the company challenged those duties in the CIT.

Cleary
Gottlieb

Cooley
LLP

Abengoa Hit With Investor Suit Over Inflated Cash Flow

Spanish sustainable energy company Abengoa SA was hit with a shareholder suit Monday in New York federal court accusing the company of overstating its liquidity, leading to a precipitous drop in share prices when it slashed its cash flow target.

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EXPERT ANALYSIS

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Getting On Board With The Latest Oil Train Regulations

Despite continued low oil prices and some decline in crude-by-rail shipping, the reality of oil trains — and potential for oil train derailments — appears to be here to stay for the foreseeable future, even though federal and state regulators have acted to reduce the number and severity of tank car derailments by imposing a number of significant new requirements, say Richard Allan and Zachary Kearns of Marten Law PLLC.

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&
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A Cautionary Tale Of CERCLA's Settlement Limitation Period

LAW
FIRMS

A Ninth Circuit decision in *Asarco LLC v. Celanese Chemical Co.* should remind settlers of private-party cost recovery or contribution actions that they may have triggered the Comprehensive Environmental Response, Compensation and Liability Act's limitation period for further contribution claims. Moreover, time-barred claims cannot be revived by a subsequent bankruptcy payment, says John Edgcomb of Edgcomb Law Group LLP.

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LEGAL INDUSTRY

BakerHo

Trial Aces: Gibbs & Bruns' Robin Gibbs

Berkowit
Oliver

Richard Nixon was in the White House when he started practicing law. He's reigned atop the Houston legal scene for the better part of two decades and has already won more cases than many of his peers will ever try. But despite all his experience, accolades and success, attorney Robin Gibbs still gets anxious before the start of a new trial.

Blank
Rome

Big Firms' Big Rates Not An Obstacle For New Work, GCs Say

Bonnett
Fairbour

Expertise and preparation are selling points that outweigh the appeal of lower rates when major businesses are making new law firm hires, and large firms are benefiting — snapping up 60 percent of new hires recently, according to an ongoing survey of general counsel.

Bracewe
&
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BakerHostetler's Risky Plan Battles BigLaw's Nonequity Woes

Bryan
Cave

BakerHostetler's plan to recast itself as a single-tier partnership is a bold attempt to deal with a growing concern around BigLaw — bloated income partner ranks — and an attempt more firms might take if leaders can convince everyone that the nonequity partnership track needs to go, experts say.

Buchalte
Nemer

How To Turn Green Associates Into Killer Trial Lawyers

Cleary
Gottlieb

Fewer cases are going to trial, and when they do, the stakes are often higher. That can make it tough for associates who aspire to be trial lawyers to cut their teeth. Here, associates and mentors share strategies to get new lawyers ready for trial.

Cooley
LLP

DLA
Piper

BofA Cut Its Losses In Dewey's Final Month, Jury Hears

The jury in the trial of the former leadership of Dewey & LeBoeuf LLP on Tuesday heard how Dewey lender Bank of America Corp. sold the firm's \$20 million debt at a loss following the collapse of merger talks with Greenberg Traurig LLP, amid news of the criminal investigation of Dewey's former chairman.

Davis
Graham

Davis
Wright
Tremain

An In-House Cheat Sheet On Risk-Based Cybersecurity

In a world where even the largest and most powerful governments and corporations have fallen victim to data breaches, it's hard for the average company to know what level of cybersecurity it needs. Luckily, the U.S. government has already put out a guide to help in-house counsel figure it out.

Dewey
&
LeBoeuf

Earthjus

US Expat Atty Killed During Botched Robbery In Venezuela

Edgcom

An American named partner of Venezuela-based De Sola Pate & Brown was killed during an apparent robbery or kidnapping attempt gone awry at his home in Caracas over the weekend, according to reports.

Mintz Levin Nixes London Patent Practice After Cooley Raid

After Cooley LLP poached three top Mintz Levin Cohn Ferris Glovsky and Popeo PC patent prosecutors in London last week, Mintz Levin has reportedly opted to shut down its European patent prosecution practice in the city.

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Boone

Holland
& Hart

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& Ellis

Levi &
Korsinsky

Locke
Lord

Lundy
Law
LLP

Marten
Law

Mintz
Levin

Morris
James

Morris
Nichols

Morris
&
Foerster

Morville
Abramov

Native
America
Rights
Fund

Nordhaus
Law
Firm

Olszewski
LLP

Pillsbury
Winthrop

Reed
Smith

Reynold
Frizzell

Richards
Layton

Ropes
& Gray

Schirme
Diaz-
Arrastia

Sidley
Austin

Steptoe
&
Johnson
LLP

Stoel
Rives

Stueve
Siegel

The
Calwell
Practice

Van
Ness

Vinson
& Elkins

Young
Conawa

COMPA

Altman
Weil
Inc.

America
Bar
Associat

America
Petroleu

Institute
Inc.

America
Water
Works
Compan
Inc.

Archer
Daniels
Midland
Co.

Associat
Press

Associat
of
America
Railroad

Associat
of
Corpora
Counsel

Austin
Energy

BTI
Consulti
Group
Inc.

Bank of
America
Corpora

Barclays
PLC

CPS
Energy
Inc.

Cargill
Inc.

Celanes
Corpora

Center

for
Biologic
Diversity
Inc.

Chevron
Corpora

Chiquita
Brands
Internati
Inc.

Citigroup
Inc.

Commer
Metals
Compan

Credit
Suisse
Group
AG

Del
Monte
Foods
Compan

Devon
Energy
Corpora

Dole
Food
Compan
Inc.

Dow
Chemica
Co.

Electric
Reliabilit
Council
of
Texas
Inc.

Environr
Defense
Fund

Inc.

Freedom
Industrie
Inc.

Huntsma
Corpora

Intel
Corpora

JPMorg
Chase
& Co.

Kellogg
Compan

Luminar
Generati
Co. LLC

MetLife
Inc.

Monsant
Compan

Natural
Resourc
Defense
Council

New
York
Times
Co.

Reliant
Energy
Retail
Holdings
LLC

Residen
Capital
LLC

Royal
Dutch
Shell
PLC

Sierra
Club

Syngent
AG

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Connect
Ltd.

Twitter
Inc.

U.S.
Chambe
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Commer

U.S.
Energy
Corp.

Yingli
Green
Energy
Holding
Co.

Zeughau
Group
LLC

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Enginee

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Commer

Departm
of the

Interior

Eastern
Shoshone
Tribe

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Information
Administration

Environmental
Protection
Agency

Federal
Communications
Commission

Federal
Railroad
Administration

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Service

Food
and
Drug
Administration

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Institute
of
Standards
and
Technology

National
Oceanic
and
Atmospheric
Administration

National
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Safety
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Navajo
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Mexico

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and
Exchang
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Justice

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Departm
of
Transpo

U.S.
Supreme
Court

United
Nations

World
Intellectu
Property
Organiz

LAW FIRMS
Holland & Hart

Baker Botts

Vinson & Elkins

Akin Gump

Earthjustice

Gibson Dunn

Greenberg Traurig

Sidley Austin

Stoel Rives

BakerHostetler

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Blank Rome

Bonnett Fairbourn

Bracewell & Giuliani

Bryan Cave

Buchalter Nemer

Cleary Gottlieb

Cooley LLP

DLA Piper

Davis Graham

Davis Wright Tremaine

Dewey & LeBoeuf

Edgcomb Law

Edwards Wildman

Gibbs & Bruns

Gray Reed

Gray Ritter

Greene Espel

Hare Wynn
Haynes and Boone
Hunton & Williams
Jackson Kelly
Jones Day
Joyce McFarland
Kirkland & Ellis
Levi & Korsinsky
Locke Lord
Lundy Law LLP
Marten Law
Mintz Levin
Morris James
Morris Nichols
Morrison & Foerster
Morvillo Abramowitz
Native American Rights Fund
Nordhaus Law Firm
Olswang LLP
Pillsbury Winthrop
Reed Smith
Reynolds Frizzell
Richards Layton
Ropes & Gray
Schirrmeister Diaz-Arrastia
Steptoe & Johnson LLP

Stueve Siegel

The Calwell Practice

Van Ness

Young Conaway

COMPANIES

Natural Resources Defense Council

Sierra Club

American Petroleum Institute Inc.

Center for Biological Diversity Inc.

Royal Dutch Shell PLC

Altman Weil Inc.

American Bar Association

American Water Works Company, Inc.

Archer Daniels Midland Co.

Associated Press

Association of American Railroads

Association of Corporate Counsel

Austin Energy

BTI Consulting Group Inc.

Bank of America Corporation

Barclays PLC

CPS Energy Inc.

Cargill Inc.

Celanese Corporation

Chevron Corporation

Chiquita Brands International Inc.

Citigroup Inc.

Commercial Metals Company

Credit Suisse Group AG

Del Monte Foods Company

Devon Energy Corporation

Dole Food Company Inc.

Dow Chemical Co.

Electric Reliability Council of Texas Inc.

Environmental Defense Fund Inc.

Freedom Industries Inc.

Huntsman Corporation

Intel Corporation

JPMorgan Chase & Co.

Kellogg Company

Luminant Generation Co. LLC

MetLife Inc.

Monsanto Company

New York Times Co.

Reliant Energy Retail Holdings LLC

Residential Capital LLC

Syngenta AG

TE Connectivity Ltd.

Twitter Inc.

U.S. Chamber of Commerce

U.S. Energy Corp.

Yingli Green Energy Holding Co.

Zeughauser Group LLC

GOVERNMENT AGENCIES

Environmental Protection Agency

U.S. Department of Justice

Department of the Interior

Fish and Wildlife Service

U.S. Supreme Court

Department of Commerce

Army Corps of Engineers

Bureau of Ocean Energy Management

Eastern Shoshone Tribe

Energy Information Administration

Federal Communications Commission

Federal Railroad Administration

Food and Drug Administration

National Institute of Standards and Technology

National Oceanic and Atmospheric Administration

National Transportation Safety Board

Navajo Nation

Pipeline and Hazardous Materials Safety Administration

Pueblo of Laguna of New Mexico

Securities and Exchange Commission

U.S. Army

U.S. Department of Transportation

United Nations

World Intellectual Property Organization

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